

REMARKS

The Official Action objected to the drawings for being unclear and required correction of the drawings in response to the Official Action. A set of formal drawings are submitted herewith that are substantively identical to the original drawings, but that have been formalized, thereby overcoming the objection to the drawings. With respect to the claims, the Official Action rejected Claims 47-49 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,643,506 to Mark A. Criss et al. The Official Action also rejected Claim 50 under 35 U.S.C. § 103(a) as being unpatentable over the Criss '506 patent. As described in detail below, independent Claims 47 and 49 and dependent Claim 48 have been amended to further patentably distinguish the claimed invention from the Criss '506 patent. In addition, new dependent Claims 66-69 have been introduced and are directed to additional unique features of the claimed invention. Further, new independent Claims 70-75 are introduced that include comparable recitations to those of amended independent method Claims 47 and 49, but in terms of a system, server unit and computer program product. Based on the forgoing amendments and the following remarks, Applicant respectfully requests reconsideration the present application and allowance of the amended set of claims.

Independent Claim 1 is drawn to a method for activating a configuration tool in a server for managing a configurable controlling function of a terminal system. The method includes an initial step of sending a configuration upgrade message from a source of a software upgrade. As described by the present application, the source may be an operation and maintenance (O&M) server. As recited by independent Claim 47, the upgrade information is saved in a database associated with the source of the software upgrade, such as the O&M server. A plurality of users requiring the software upgrade are then identified. After the plurality of users that require the software upgrade have been identified, the software upgrade is provided to the respective servers associated with the plurality of users. As described by the present application, for example, the servers associated with the plurality of users may be remote servers, such as a mobile display appliance (MDA) servers, that maintain data and/or applications (such as bookmarks, contact lists, etc.) on behalf of the users such that the users' terminals may be thin. By identifying the

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Amendments to the Drawings:

The attached sheets of drawings include formal versions of the original drawings. In this regard, replacement sheets 1/14-14/14 replace the original set of drawings. These sheets include the same figures and have not been substantively revised in any manner, but are of higher quality.

Attachment: Replacement sheets 1/14-14/14

users that require a software upgrade before distributing the software upgrade to the servers associated with the users, the software upgrade need not be transferred to all servers, but only those servers associated with a user that has been identified to require a software upgrade, thereby reducing network traffic and congestion. Further details regarding one embodiment of the method of independent Claim 47 is described on page 47, line 23 – page 49, line 22 and is depicted in Figures 8a and 8b.

Similarly, independent Claim 49 is drawn to a method to activate the configuration tool in a server for managing a configurable controlling function of a browser and includes the initial step of receiving an upgrade message from the service provider that provides an end service product. The end service product is then received and saved in a database. As shown in Figure 9a, for example, the database may be a memory device associated with the O&M server that communicates with the service provider via the Internet. A plurality of users having a contract that requires delivery of the end service product are then identified. After identifying the plurality of users that require delivery of the end service product, product information relating to the end service product is provided to respective servers associated with the plurality of users that were identified to have contracts requiring delivery of the end service product. As such, the end service product is not delivered to all servers, but only those servers that are associated with users having a contract requiring delivery of the end service product, thereby similarly reducing network traffic and avoiding congestion. As described above, the server associated with the users may again be a remote server, such as an MDA server, for example. The servers associated with the plurality of users are then responsible for providing the user with the in-service product. Further details regarding one embodiment of the method of independent Claim 49 is described on page 50, line 1 – page 52, line 4 and is depicted in Figures 9a and 9b.

The Criss '506 patent is directed to a system that wirelessly updates the operating software stored in mobile devices. To avoid the inefficiencies associated with the transmission of the current version of the operating software to all mobile devices, the system of the Criss '506 patent determines whether the mobile devices already have the current version of the operating software and then only provides the current version of the operating software to the mobile devices that lack the current version. As shown in Figure 12 and as described in column

18, lines 34-61 a wide area network (WAN) host computer and a WAN file transfer protocol (FTP) server are linked to a plurality of systems, each of which includes its own host computer and FTP server. In order to distribute the current version of the operating system, the WAN host computer and the WAN FTP server broadcasts the current version of the operating software to the host computer and FTP server of each system. Within each system, the host computer and the mobile terminals supported by the host computer then communicate to determine if the mobile terminals have the current version of the operating software. If it is determined that any mobile terminal does not have the current version of the operating software, the mobile terminal(s) that lack the current version of the operating software and the FTP server of the system communicate such that the current version of the operating software is downloaded to the mobile terminal(s).

While the current version of the operating software is not downloaded to every mobile terminal in accordance with the system of the Criss '506 patent, the current version of the operating software is downloaded to each system and, in particular, to the FTP server of each system. In contrast, the methods of amended independent Claims 47 and 49 only provide the software upgrade (in the case of Claim 47) or the end service product (in the case of Claim 49) to those servers associated with a user that has previously been identified to require the software upgrade or the end service product. Thus, the software upgrade or the end service product need not be distributed to all servers since those servers that are not associated with users requiring the software upgrade or the end service product have no need for the software upgrade or the end service product. Thus, independent Claims 47 and 49 identify the plurality of users that require the software upgrade (in the case of Claim 47) or the end service product (in the case of Claim 49) prior to providing the software upgrade or the end service product to the servers associated therewith.

In contrast, the Criss '506 patent describes the delivery of the current version of the operating software to each FTP server, that is, to the FTP server of each system, and only after delivery of the current version of the operating software to each FTP servers is an analysis of the mobile terminals conducted to determine which mobile terminals have a need for the current version of the operating software. As such, it is possible in accordance with the Criss '506

patent that the current version of the operating software is distributed to FTP servers of systems in which all of the mobile terminals already have the current version of the operating software and for which there is no need for further downloading of the current version of the operating software.

As described above, Applicant therefore respectfully submits that the methods of independent Claims 47 and 49 are not taught or suggested by the Criss '506 patent. Thus, it is submitted that the rejection of independent Claims 47 and 49 is overcome. Since the dependent claims include each of the recitations of a respective independent claim, the dependent claims are also patentably distinct from the Criss '506 patent for at least the same reasons as described above in conjunction with the respective independent claims. Thus, the rejections of the dependent claims are also submitted to be overcome. However, several of the dependent claims include additional recitations that further patentably distinguish the claimed invention from the Criss '506 patent.

In this regard, new dependent Claims 66-69 have been added to further define additional unique aspects of the claimed invention. In this regard, new dependent Claim 66 further recites the step of identifying any servers to which the software upgrade is to be provided but to which the software upgrade has not yet been transferred. Dependent Claim 67 builds upon Claim 66 and adds the additional step of determining, in response to activation of a terminal associated with a server, if the server has been identified as a server to which the software upgrade has not yet been transferred and, if so, providing the software upgrade to the server. Thus, new dependent Claims 66 and 67 further spell out the manner in which the software upgrade is provided to servers associated with the users identified to require the software. Similarly, dependent Claims 68 and 69 recite comparable steps in conjunction with the distribution of product information to servers associated with the users who have been identified to have contracts requiring delivery of the end service product. Since the Criss '506 patent does not teach or suggest the additional steps set forth by new dependent Claims 66-69, Applicant submits that new dependent Claims 66-69 are further patentably distinct from the Criss '506 patent for at least the foregoing additional reasons.

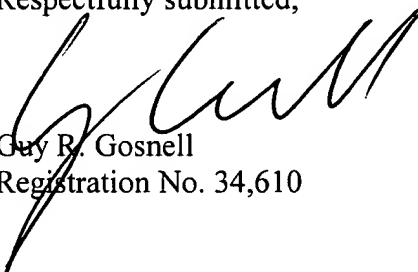
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CONCLUSION

In view of the amendments and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

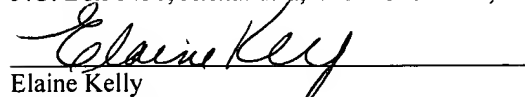


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 18, 2005.



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